

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

David L. Jones, :
Plaintiff, :
v. : Misc. Case No. 2:05-mc-065
United States Postal Service, : JUDGE SMITH
et al., :
Defendants.

ORDER

Plaintiff has moved to reconsider the dismissal of this miscellaneous action based upon his failure to receive a copy of this Court's order directing him to pay a filing fee or submit an application to proceed *in forma pauperis*.

Plaintiff was responsible in the first instance for determining if a fee was needed to file his complaint. His failure to receive the Court's deficiency order was caused by his failure to include his address on his complaint or any other paper he filed initially. Further, the dismissal of this miscellaneous case does not rule on the merits of his complaint. He is free to resubmit the complaint with an *in forma pauperis* application or the filing fee. For all these reasons, his motion to reconsider (#4) is DENIED.

/s/ George C. Smith
George C. Smith
United States District Judge